**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH**

RSA.No.1884 of 2005 and
RSA No.1073 of 2005
DATE OF ORDER: 16.1.2007

HVPNL and Another ...Petitioner(s)

Versus

Ajmer Singh ....Respondent(s)

**And**

Ajmer Singh ....Respondent(s)

Versus

HVPNL and Another ...Petitioner(s)

**CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL**

**.*.*.*.**

Present: Mr. Manohar Lall, Advocate.

Mr. J.K. Goel, Advocate.

**M.M. AGGARWAL,J**

This is Regular Second Appeal against judgment dated 10.12.2004 passed by Additional District Judge, Karnal whereby appeal filed by the present appellant against judgment dated 1.4.2004 passed by Civil Judge(Jr.Divn.), Karnal had been dismissed.

Vide impugned judgment, plaintiff, now respondent had been held entitled to interest for the period at the rate of 8 % on delayed payment of retiral benefits beyond 17.8.2000.

On behalf of the appellant, it is argued that inquiry was pending as against the respondent-plaintiff. It is argued that one inquiry was

completed on 17.8.2000 and another inquiry was completed on 17.1.2002 and all the retiral benefits were paid about within three months of completion of second inquiry. It is further argued that as per Rule 2.2C, the gratuity becomes payable only after conclusion of departmental or judicial proceedings and issue of final orders thereon and therefore no interest should have been awarded.

In this case, plaintiff, now respondent had retired on 31.10.1999. The interest being awarded is for the period from 17.8.2000 onwards till the payments were made.

Retiral benefits would normally become due as and when one retires. Even if technically the amounts could not be paid till the conclusion of the inquiry proceedings, still the fact remains that the appellant, who was the employer, had used the amount even when it was due immediately on the retirement.

There is further an appeal filed by the plaintiff Ajmer Singh on the ground that rate of interest awarded was less and that interest should have been awarded from the date of retirement i.e 31.10.1999.

8 % interest per annum cannot be called, in any way, on the lower side. Admittedly some inquiry remained pending upto 17.1.2002.

In both the appeals, no law point is involved. There are concurrent findings. No merit. Dismissed.

January 16, 2007 ( M.M. AGGARWAL )
manoj JUDGE